

# ITEM 5

**REGULAR MEETING #683**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, April 26, 2022**  
**REGULAR MEETING 6:30 PM**  
**OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the Meeting to order at 6:30 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL/SWEARING IN OF NEW DIRECTORS**

Directors Present:	McNulty, Jenkins, Lurner and Misher
Staff:	Manager Russell, Admin Assist. Morris
Absent:	Director Wiersig
Agents:	None
Contractors Present:	AUS Security Supervisor Robert Stabenow
Guest Speakers:	None

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES**

Meeting #682 of March 29, 2022

**Motion** by Board President McNulty, seconded by Director Jenkins and voted 4-0-1 (Wiersig absent) to approve the Minutes #682 as presented.

**6. SECURITY**

**a. Monthly Security Report – April 2022**

Security Supervisor Stabenow provided the report. After hearing of the garage door that was left open all night at 35451 and that security did not report or respond, Director Lurner recommended the night security guards be better trained on what to watch for during the dark evening hours. Homeowner Gretchen Augustyn reported that she was almost hit by young kids speeding on e-bikes and wants to know what the District can do about controlling the problem. Homeowner Bill Nassour suggested a series of surveillance cameras be installed to monitor kids on e-bikes and also for speeding vehicles. Security Supervisor Stabenow responded that he would work on additional guard officer training with emphasis on night patrol procedures. Manager Russell stated he would look into a surveillance camera system and also revisit the possibility of resuming the police officer program.

**7. This Item is Left Purposely Blank**

**8. FINANCE**

**a. Monthly Expense Report**

The expense report through March 2022 was received and filed.

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## 9. OLD BUSINESS

### a. **Shoreline Protection/Advisory Committee Report**

Manager Russell reported on meetings and progress with the Advisory Committee:

#### March 31<sup>st</sup> Meeting

- City jurisdiction over issuing CDP's
- the significance and impact of MHTL on jurisdiction
- continued support for the County's Beach Park project
- continued support and involvement with the County's region-wide coastal protection plan
- selection of coastal engineers (who to retain and when)
- the importance of keeping the Board and the community informed

#### April 13<sup>th</sup> Meeting

The Committee met with the following City officials to discuss the importance of the City retaining jurisdiction over the issuance of Coastal Development Permits:

City Attorney  
City Manager  
Assistant City Manager  
Dir. Of Community Development  
Senior Planner

Next step will be to meet with the individual City Council members and share the same business of the importance of the City not ceding jurisdiction to the Coastal Commission.

### **Sandbag Mess on the Beach**

Homeowner Dan Nichol sent an email pointing out the shredded sandbag mess out on the beach and asked for the District to take action on these people to clean up the white plastic mess. Manager Russell explained that while the District has no enforcement jurisdiction out on the beach for this, it would most likely be effective to send letters to the offending homeowners and ask them to clean up their beach.

### b. **Counsel Review of RR Master License and District Sub-Lease to Homeowners**

District Counsel Sean Schwerdtfeger reviewed both documents and suggested no changes to the Master License Agreement but did make edits and updates to the Sub-Lease Agreement. Replaced was some outdated language with current legalese and also incorporated were elements of the new Trash Enclosure Design Standards so that the two documents tie-in with each other with their meaning. With these revisions, the only document left to revise will be District Ordinance No. 05-205, which will be on the agenda for the May Board meeting.

## 10. NEW BUSINESS

### a. **State Mandatory Organic Waste/Food Scraps Recycling Law**

Manager Russell explained that Senate Bill 1383 passed into law this past January and residential homeowners must now separate all food waste from the regular trash and place it into new greenwaste recycle barrels. This will be administered by CR&R Trash Co. who explained that while they are aware of the lack of space here on Beach Road, they do expect our community to make every effort to comply. Compliance efforts so far include the requirement that all new trash enclosure projects must make space for a small half-size (35 gal.) greenwaste barrel and to provide greenwaste barrels to those existing trash enclosures where there is enough space to accommodate the proper additional barrel. Manager Russell also pointed out that there will be no expense to homeowners for participation in this new program.

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## 11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

Administrative Assistant Karen Morris reported that the City Planning Commission held a public hearing on April 11<sup>th</sup> to publicize changes being proposed by the City. Some changes have been requested by city residents and some have been recommended by the Coastal Commission itself. Given the public-serving nature of vacation and short-term rentals, the CCC has a stake in the outcome of the City's STR code. For details on the proposed changes, contact the District Office and talk to Karen.

## 12. WRITTEN COMMUNICATIONS

### a. Sandbag Mess on the Beach

Email letter from homeowner Dan Nichol. This item was discussed under Agenda Item 9a.

## 13. BOARD AND STAFF COMMENTS

There were no comments.

NEXT BOARD MEETING: Tuesday, May 31, 2022 (the day after Memorial Day)

**ADJOURNMENT** Manager Russell adjourned the meeting at 7:43 PM.

## ATTEST:

State of California )  
County of Orange )  
Capistrano Bay District )

I, **Donal S. Russell**, Manager of the Capistrano Bay Community Services District, hereby certify that this is a *DRAFT* copy of the Minutes of Meeting #683, held on April 26, 2022.

Donal S. Russell

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

April 27, 2022

DATE